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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 10-4-11

Jason Pickholz, Esq.

Direct Tel: 347-746-1222

MEMO ENDORSED

October 3, 2011

The Honorable P. Kevin Castel
U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

*Submit remaining letter
and exhibits by October 11
despite this October 14
no later than October 18.
ad response by October 18.
and copy by well the
rule.*

Re: Securities and Exchange Commission v. Czarnik, 1:10-cv-00745-PKC

Dear Judge Castel:

This firm represents Defendant Stephen J. Czarnik in the above-captioned action. I am writing to request an extension of Mr. Czarnik's time to file a letter requesting a pre-motion conference to compel discovery to October 11, 2011. Counsel for Plaintiff has agreed to this brief extension.

Pursuant to the Court's Scheduling Order, the fact discovery cut-off date is October 3, 2011. All other fact discovery, including document production and deposition testimony, has been completed.

Mr. Czarnik's letter request will be limited to factual information contained in Plaintiff's pre-Complaint interview notes of witnesses who mentioned Mr. Czarnik specifically. The detailed bases for the application will be set forth in Mr. Czarnik's letter request, such as but not limited to exculpatory statements by one of the alleged "promoters", Jason Wynn, during his pre-Complaint interview that he had never spoken to Mr. Czarnik.

If the Court is amenable, the parties consent to having Mr. Czarnik's motion be deemed fully submitted based upon their respective pre-motion letters to the Court, and to the Court's hearing Mr. Czarnik's application during the status conference that is presently scheduled for October 24, 2011.

I certify that the parties have conferred in an effort to resolve this discovery issue without court intervention. In the event that his request for an extension is denied, Mr. Czarnik requests that this letter be deemed to be his letter request for a pre-motion discovery conference.

Sincerely,

 Jason Pickholz

cc: Jonathan Polish, Esq.

1140 Avenue of the Americas | 9th Floor | New York, NY 10036
 Fax: (646) 380-6648 | E: jpickholz@pickholzlaw.com | www.pickholzlaw.com